

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21453 of 2004

Between:

Sk.Habeeb Basha, S/o.Sk.Beebi Jan,
D.No.6-3-251/3, Erram Manzil Colony,
Hyderabad-500082.

..... PETITIONER

AND

Osmania University, rep.by its Registrar, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the respondent in not permitting the petitioner to take B.E.Civil 3rd year 2nd Semester and B.E.Civil 4th year 1st Semester examinations from Muffakamjah college of Engineering and Technology with Hall Ticket No.04020012 as illegal, unconstitutional and violative of the A.P. Universities Act.1991 and violative of Article 21 of Constitutional of India and consequently direct the respondent to permit the petitioner to appear for B.E.Civil 3rd year 2nd semester and B.E.Civil 4th year 1st Semester examinations from Muffakamjah college of Engineering and Technology with Hall Ticket No.04020012 by considering the application of the petitioner dated 8-11-2004.

Counsel for the Petitioner: MR.K.RAMAKANTH REDDY

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21453 of 2004

ORDER:

The petitioner has filed this writ petition to declare the action of the respondent-University in not permitting him to take B.E. Civil 3rd year 2nd semester and B.E. Civil 4th year 1st semester examinations from Muffakam Jah College of Engineering and Techonology with Hall Ticket No.04020012, as illegal and unconstitutional.

2. Heard the learned counsel for the petitioner and also the learned counsel for the respondent-University.
3. According to the allegations made in the writ petition, the petitioner was not permitted to write the examinations on the ground of shortage of attendance. However, there cannot be any direction to the respondent by way of writ of mandamus to act contrary to the Rules. The minimum percentage i.e. 75% of attendance is compulsory to permit the student for writing the examinations in accordance with the provisions of AP Universities Act, 1991. The Vice Chancellors of the Universities have been given power to relax the percentage of attendance that is to some extent of 10%. So, unless a student gets minimum attendance, he is not eligible or qualified to write the examinations and therefore, the prayer in the writ petition is totally misconceived and devoid of merits.
4. Hence, the writ petition is dismissed. However, this order will not preclude the respondent from allowing the petitioner to readmit in the college for the next year in accordance with the Rules.

November 25, 2004

Kvr

To

1. The Registrar, Osmania University, Hyderabad.
2. Two C.D. Copies.